

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

PAUL CHAMBERS, ET AL.

* **CIVIL ACTION 1:07CV1189**

VERSUS

* **JUDGE DRELL**

INTERNATIONAL PAPER COMPANY

* **MAGISTRATE KIRK**

PLAINTIFFS' FIRST SUPPLEMENTAL MOTION TO REMAND

NOW INTO COURT, through undersigned counsel, comes Plaintiffs, Robert James Allen, Larry Armstrong, Jerry D. Brogden, Freddie Buckner, III, Donald Ray Caraway, Paul D. Chambers, Sr., John L. Cheek, Randie Deal, Stanley Joseph Doherty, Kenneth W. Hakes, Jerry W. Lofton, Michael H. Mason, Tommy G. Pinion, Larry Randolph, Lee Scott, OlinW. Ward, Harold D. Watkins, Lenroy Watts, Jr. (heir of Decedent Lenroy Watts, Sr.), Ella Watts (widow of Decedent Lenroy Watts, Sr.), Crystal Watts (heir of Decedent Lenroy Watts, Sr.), and Cynthia Trujillo (heir of Decedent Lenroy Watts, Sr.)(hereinafter referred to as "Plaintiffs")¹, who move this Honorable Court for an order remanding the above-captioned matter to the Civil District Court for the Parish of Rapides, State of Louisiana, from which it was removed. Plaintiffs incorporate herein by reference the entirety of Plaintiffs' Motion to Remand, filed herein on September 19, 2007, and hereby supplement said motion by adding the signed stipulation of Cynthia Trujilo (heir of Decedent Lenroy Watts, Sr.), who is in the armed forces and is currently stationed in Germany. Plaintiffs urge remand of this proceeding for the following reasons:

¹Plaintiff Ronnie Lemoyne Duff is not participating in this motion because he intends to request a dismissal of his claims. The parties have agreed to submit an agreed motion for dismissal separately from this motion.

1. There does not exist a sufficient amount in controversy to establish diversity jurisdiction. Defendant has not met its burden of proof to show that the amount in controversy exceeds \$75,000.00 excluding interest and costs.
2. Plaintiffs have stipulated that their damages do not exceed \$75,000.00 (excluding costs and interest) and plaintiffs will not attempt to enforce or collect a judgment in excess of \$75,000.00.² See Stipulations of Plaintiffs, attached *in globo* to Plaintiffs' Motion to Remand as Exhibit "A," and the Stipulation of Cynthia Trujilo, attached hereto as Exhibit "A-1."

For the foregoing reasons, and those more fully discussed in the Brief Supporting Motion to Remand, Plaintiffs pray that this Court issue an Order remanding this case to the originating court.

Respectfully submitted,

BY:


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was served via electronic email to all counsel of record on the 4th day of October, 2007.

Sherry L. Talton
SHERRY L. TALTON